

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARIO CORNEJO and FRANCISCA
AVALOS,

Plaintiffs,

v.

CHANNEL LENDING CO., et al.,

Defendants.

CASE NO. C03-3181C

ORDER

This matter comes before the Court on Plaintiffs' motion for attorneys fees incurred in enforcing a settlement agreement (Dkt. No. 138). Having considered the papers and finding oral argument unnecessary, the Court GRANTS Plaintiffs' motion IN PART, as follows.

By order dated September 27, 2005 (Dkt. No. 134), the Court granted Plaintiffs' motion to enforce a settlement agreement against Defendant Channel Lending Co. That order found that Plaintiffs were entitled to reasonable attorneys fees incurred in enforcing the agreement, and permitted Plaintiffs to submit their fees motion within ten days of the order. Plaintiffs timely filed their motion on October 6, 2005, requesting \$5,625 in fees comprised of 25 hours of work at a rate of \$225 per hour. (*See* Brown Decl. 2–3.) Channel has not opposed Plaintiffs' motion.

1 The Court finds that counsel's rate of \$225 is reasonable based on counsel's experience and the
2 relief obtained for Plaintiffs. *See Benton v. Oregon Student Assist. Comm'n*, 421 F.3d 901, 904–05 (9th
3 Cir. 2005). However, the Court's order allowed for fees arising only from the *enforcement* of the
4 settlement agreement, not its drafting or negotiation. (Dkt. No. 134, at 5.) The Plaintiffs' current
5 request for \$5,625 in fees exceeds the scope of that order. Specifically, the declaration submitted by
6 Plaintiffs' counsel contains five entries from April 1 to May 30, 2005, in which the work performed is
7 clearly directed to the creation of and revisions to the settlement agreement—preceding any efforts to
8 enforce the agreement. (*See Brown Decl. 2.*) Notwithstanding Plaintiffs' contention that those fees were
9 incurred “negotiating terms in an effort to avoid” their enforcement motion, the Court will deduct those
10 five entries, totaling 5.8 hours or \$1,305. The Court finds the remaining balance of 19.2 hours is
11 reasonable, and accordingly awards the Plaintiffs a total of \$4,320 in attorneys fees.

12 Accordingly, the Court GRANTS Plaintiffs' motion IN PART, and ORDERS that Defendant
13 Channel Lending pay Plaintiffs \$4,320 in attorneys fees in addition to the \$89,227 required by the Court's
14 September 27 order. In the event Defendant Channel Lending has not already made the payment required
15 under that order, it shall pay Plaintiffs the updated total of \$93,547.00 within ten days of the date of this
16 order.

17 SO ORDERED this 27th day of October, 2005.

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20 UNITED STATES DISTRICT JUDGE
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